

## **REMARKS**

Claims 1-37, all the claims pending in the application, stand rejected on prior art grounds. Applicants respectfully traverse these rejections based on the following discussion.

### **I. The Prior Art Rejections**

Claims 1-37 stand rejected under 35 U.S.C. §102(b) as being anticipated by Krishnamurthy. Applicants respectfully traverse these rejections based on the following discussion.

Submitted herewith is a Rule 131 Declaration swearing behind the Krishnamurthy reference. The Rule 131 Declaration removes the Krishnamurthy reference. The Rule 131 Declaration effectively swears behind the Krishnamurthy reference based on the evidence presented in the Rule 131 Declaration and because the earliest priority date of Krishnamurthy is September 4, 2003. The accompanying Rule 131 Declaration makes clear that the Applicants' claimed invention was conceived and reduced to practice at least prior to September 4, 2003. Thus, the Rule 131 Declaration effectively swears behind Krishnamurthy. Therefore, the accompanying Rule 131 Declaration removes the Krishnamurthy reference as prior art against the Applicants' claimed invention.

### **II. Entry of Amendment and Rule 131 Declaration Required**

MPEP § 715.09 provides that a Rule 131 Declaration is considered timely submitted if it is submitted prior to a final rejection. Therefore, the attached Rule 131 Declaration swearing behind the Krishnamurthy references is seasonably presented.

### **III. Formal Matters and Conclusion**


The Rule 131 Declaration that accompanies this Response swears behind the Krishnamurthy reference thereby overcoming the rejections to the claims. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

In view of the foregoing, Applicants submit that claims 1-37, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

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